

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

|                                   |   |                  |
|-----------------------------------|---|------------------|
| NEAL A. COWE,                     | ) |                  |
|                                   | ) |                  |
|                                   | ) |                  |
| Plaintiff,                        | ) |                  |
|                                   | ) |                  |
| v.                                | ) | Civil Action No. |
|                                   | ) | 14-12581-FDS     |
|                                   | ) |                  |
| BOSTON POLICE DEPARTMENT, et al., | ) |                  |
|                                   | ) |                  |
| Defendants.                       | ) |                  |

**MEMORANDUM AND ORDER**

**SAYLOR, J.**

**I.     Background**

On June 11, 2014, plaintiff Neal A. Cowe filed a self-prepared complaint against the Boston Police Department/Brighton Division and Dzhokhar Tsarnaev. He alleged, among other things, obstruction of justice, negligence, “abuse of authority,” assault and battery on a person over 60 years of age, and criminal fraud, stemming from an alleged assault and battery by defendant Tsarnaev in June, 2010, in Brighton, Massachusetts.

On October 27, 2015, Cowe filed an amended complaint. Thereafter, on July 14, 2015, this Court issued a memorandum and order outlining the allegations, granting Cowe’s *in forma pauperis* motion, noting the various legal impediments to his claims, and directing him to show cause by August 18, 2015, why this action should not be dismissed. He was directed to file, also by August 18, 2015, a second amended complaint setting forth claims upon which relief can be

granted in accordance with Rule 8 of the Federal Rules of Civil Procedure.

On August 18, 2015, Cowe filed a motion for an extension of time to file a response. On August 20, 2015, this Court granted the motion by electronic order, affording him additional time (to September 9, 2015) to file his show-cause response and second amended complaint.

On September 14, 2015, this Court entered an order directing dismissal of this action for the failure to show cause or file a second amended complaint by the deadline. The same day, this action was dismissed.

A week later, on September 21, 2015, Cowe filed, without leave of Court, an “Amendment to the Complaint/Answers to (Memo & Order #9).” (Docket No. 16).

## **II. Discussion**

Cowe’s untimely proposed second amended complaint and show-cause response does not meaningfully address the legal impediments discussed in the prior memorandum and order. It is virtually intelligible. From what can be gleaned, he reasserts the same allegations in the original and amended complaints, and poses a number of questions and comments concerning, among other things, the Boston Marathon bombing. At a minimum, the document does not set forth claims in accordance with Rule 8. No further opportunities need be afforded to Cowe to file a third amended complaint; indeed, it is clear that not only would it be an exercise in futility to do so, it also would impose an unnecessary drain on the judicial resources of the Court.

## **III. Conclusion**

In light of the above, this Court will not permit plaintiff’s untimely and baseless pleading to serve as a basis to reopen this action and permit the case to proceed. Accordingly, it is hereby Ordered that the prior dismissal of this case remains in effect, and this action remains CLOSED on the Court’s dockets.

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: September 25, 2015